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FEB 16 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Brakel et al.	)	Group Art Unit: 1631
Serial No.:	08/479, 999	)	Examiner: J. Zhou
Filed:	June 28, 1994	)	
For:	MODIFIED NUCLEOTIDE COMPOUNDS	)	
		)	

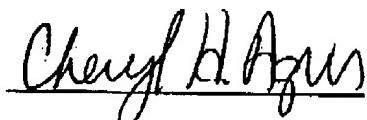
**CERTIFICATE OF FACSIMILE TRANSMISSION**

Mail Stop Appeal  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that the attached correspondence comprising:

**Response to Notification of Noncompliance**

containing a total of 2 pages (including this sheet) was sent to the United States Patent Office by telefax to the attention of EXAMINER J. ZHOU at fax number (571) 273-8300 on February 16, 2007.



Cheryl H. Agris

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**RESPONSE TO NOTIFICATION OF NONCOMPLIANCE**

Mail Stop Appeal  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Notification of Noncompliance dated January 16, 2007, Appellants respectfully point out that given that the Appeal Brief was originally filed on July 19, 2004, it may conform with either 37 C.F.R. §1.192 or 37 C.F.R. §43.7(c). Appellants assert that the Appeal Brief submitted on December 12, 2006 does conform with 37 C.F.R. §1.192.

Respectfully submitted,

Cheryl H. Agris, Reg. No. 34,086  
 Attorney for Appellants  
 (914) 712-0093

Dated: 2/16/07

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Enz-47(C)(2)